

## **KEY POINTS FOR PUBLIC COMMENT AT COUNTY MEETINGS SUPPORTING OUR ADVOCATES COALITION PROPOSALS TO SUPERVISORS**

The strongest oversight model under the new state law, AB1185, will have certain limitations as the sheriff is an elected official. But with subpoena power they can conduct independent investigations and develop substantive recommendations for necessary change to the Board of Supervisors.

Responsibility and Authority of the Board of Supervisors: County supervisors, under California Government Code 25303, must “supervise the official conduct of all county officers, including the sheriff” and “shall see that (county officers) faithfully perform their duties.” All sheriff’s operations other than current investigations are subject to oversight.

Structured, community-based oversight can assist the Supervisors in this mandate by holding independent investigations of deaths in the county jail, focusing on systemic issues within the department and objectively analyzing ways to improve the Sheriff’s operations - to reduce “revolving door” recidivism with more successful in-custody programs and re-entry services, uphold constitutional policing and save the county money by preemptively avoiding [practices resulting in civil suits and federal interventions](#).

**Key principles of our coalition of community advocates for strong and effective community oversight of the sheriff that can be upheld in Public Comments at District Meetings:**

- A volunteer oversight board with subpoena power, composed of qualified community members representative of our county’s diversity - including those most impacted by sheriff’s department operations - can be the most effective working in collaboration with a full-time Inspector General.

Why: A volunteer oversight board of community members is essential to make sure the new agency is representative and inclusive, but volunteers have limited time and energy to pursue extensive investigations. Working in cooperation with a paid, professional inspector general, the oversight

agency has the benefit of a community perspective as well as the attention and focus of a full-time monitor with investigative experience.

- Any oversight body must have diverse and inclusive representation - a community selection panel appointed by the Supervisors to proactively reach out for applicants among county residents can best achieve this critical goal.

Why: Using a community selection panel process to seek and vet applicants to serve on the board gives the Supervisors benefit of a more thorough and extensive outreach process than they and their staff can manage. A panel carefully and transparently selecting nominees for indirect appointment rather than direct selection by the supervisors also creates a layer to reduce any perception that these appointments are political. It will increase not just the effectiveness of the selection process and the oversight board itself, but increases public trust and perception of the board as independent and community-based.

- The County Counsel has potential conflicts of interest representing the sheriff in civil lawsuits, so any oversight model needs to hire an independent legal counsel.

Why: This was a fundamental issue with Oakland's Police Commission and was resolved by an additional Measure S1 to guarantee independent legal counsel for the commissioners. The oversight board and/or Inspector General will have access to county counsel's opinions as needed or desired, but they need the authority to also have fully independent legal counsel to remove the obvious concerns about conflict of interest, given the county counsel's role in defending the sheriff and the county administration [in law suits](#) related to alleged misconduct or failures within the sheriff's operations.

- The oversight model will need a dedicated funding stream for adequate staffing of investigators and other essential full-time personnel.

Why: Adequate staffing and budget for an Oversight Board and Office of

Inspector General are absolutely essential - and the budget process should be insulated from politics as much as possible. Administrative, community engagement, investigative, policy and legal expertise will be essential for the success of an oversight agency. One way that works in Sonoma County is to guarantee an equivalent of 1% of the Sheriff department budget to sustain oversight.

- An oversight body must have full access to all relevant records and testimony, must hold regular public meetings and present reports to address issues of concern to community members and our Supervisors.

Why: Full and timely access to relevant information, records and testimony - including from individuals in custody of the sheriff - are necessary for any effective investigative procedures. The AC BART Police monitor has full access to records of BART police at their fingertips via computer. And the oversight board must have regular public meetings, town halls and mandated reports on critical issues so that the public can be heard and get full accounts of investigations and policy analysis. Access to information and community engagement are key to effective oversight.

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